

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

INDIAN HARBOR INSURANCE COMPANY,

Plaintiff/Counter-Defendant,

v.

CIVIL ACTION NO. 2:10-CV-02366-cgc

ALTERRA CAPITAL GROUP, LLC, a/k/a
ALTERRA CAPITAL GROUP, LLC – MEMPHIS;
2861 KIMBALL APARTMENTS, LLC;
WINBRANCH II, LLC; and
IMPERIAL CAPITAL BANK,

Defendants/Counter-Plaintiffs.

ORDER ON NOTICE AND STIPULATION OF DISMISSAL

This matter having come before the Court on the Notice and Stipulation of Dismissal of the parties (D.E. #28), and the Court having found that all matters in controversy have been resolved and that neither City National Bank nor its predecessor, Imperial Capital Bank, has any interest in the property at 2861 Kimball Avenue or the subject policy of insurance, the Declaratory Judgment Action should be **DISMISSED AS MOOT**, and the Counter-Claim **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED this 22nd day of September, 2011.

s/ Bernice B. Donald
BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE